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ATTORNEY DOCKET NO. DIVER1280-3

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02/05/02**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Short et al. Art Unit: 1652  
Serial No.: 09/685,432 Examiner P. Tung  
Filed: October 10, 2000  
Title: HIGH THROUGHPUT SCREENING FOR SEQUENCES OF INTEREST

Commissioner of Patents  
Washington, D.C. 20231

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Requirement for Restriction mailed November 9, 2001, Applicant respectfully submits that the groups set out by the Examiner do not match the pending claim set. In particular, the Restriction identifies Group I as claims 1-48 and 51, directed to a method for identifying a bioactivity or biomolecule and Group II as claims 49 and 50, drawn to an automated capillary array system. The above-identified patent application contains claims 1-61 (not 51) and does not contain claims drawn to an array system at all. Upon review of the pending claims, Applicants submit that a single invention directed to a method for identifying a bioactivity or biomolecule is encompassed by claims 1-61, and therefore restriction of the pending claims would be inappropriate. Accordingly, Applicants respectfully request

**CERTIFICATION UNDER 37 CFR §1.8**

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on January 9, 2002, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231

Karen LePari

In re Application of:  
Jay M. Short, et al.  
Application No.: 09/685,432  
Filed: December 10, 2000  
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PATENT  
Attorney Docket No.: **DIVER1280-3**

examination of all pending claims as filed. If the Examiner would like to discuss this response, please contact the Applicants' representative noted below.

Respectfully submitted,

Dated: January 9, 2002

A handwritten signature in cursive script that reads "Lisa A. Haile".

Lisa A. Haile, J.D., Ph.D.  
Registration No. 38,347  
Telephone: 858-677-1456  
Facsimile: 858-677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1600  
San Diego, CA 92121-2189  
**USPTO Customer Number 28213**